

**CITY OF MORGAN HILL  
SPECIAL CITY COUNCIL MEETING AND  
PLANNING COMMISSION MEETING  
MINUTES - OCTOBER 29, 2001**

**CALL TO ORDER**

Mayor Kennedy called the special meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

**City Council**

Present: Council Members Carr, Chang, Sellers, Tate, and Mayor Kennedy

**Planning Commission**

Present: Commissioners Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan, and Weston

**Housing Element Task Force Members:** Shanna Boigon, Jeff Perkins, and a representative of South County Housing.

**Staff present:** City Manager Tewes, City Attorney Leichter, City Clerk Torrez, Director of Business Assistance and Housing Services Toy, Director of Community Development Bischoff

**DECLARATION OF POSTING OF AGENDA**

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

At the invitation of Mayor Kennedy, City Clerk Torrez led the Pledge of Allegiance.

**WORKSHOP:**

**1) HOUSING ELEMENT WORKSHOP**

Director of Community Development Bischoff, introduced Jeff Goldman, Principal Planner of Parsons, Harland, Bartholomew and Associates, consultants for the Housing Element update. He reminded those present that this is the first of two meetings planned for the update, the next being scheduled for December 12. During this phase of the update, the Task Force is charged with looking at past achievements, where the City is now, and whether or not there is a need to pursue further gains for the present. He distributed materials to be referenced during the meeting.

Mr. Goldman presented the staff report in four components:

- 1) Review of State Requirements for Housing Element Update

This being the 2001 Housing Element Update, an overview of legislation dealing with the issues which are responsible for change since the last update were noted by summation.

The requirement for update(s) became law 20 years ago with a legislative decision that all residents of the State of California, regardless of income, are entitled to a safe, secure, properly constructed dwelling. It is mandated that every four years the Housing Element be updated, with input from local government and the general public.

2) Review of Housing Element Update Process

There are four requirements of the review:

- a) Identification and inventory of housing needs, with emphasis in specific categories (e.g., seniors, farm workers, single heads of household, etc.)
- b) Each City and County is to evaluate what has been done; assess whether to continue, modify, increase effectiveness, add or delete factors in the existing housing elements.
- c) Define the goals and policies of the programs anticipated
- d) Develop a five-year schedule of quantified objectives in the presence of existing affordable housing and project reasonable methods for meeting the goals set by governmental agencies.

3) Review of findings Regarding Current and Future Housing Needs

Advance a five-year schedule of quantifiable intentions in the presence of actual affordable housing, and calculate credible methods for addressing the goals set by governmental agencies.

4) Review of ABAG Fair Share Allocation and Projection of City Housing Production

With the assignment of arbitrary numbers of housing need projections for the City, the abilities of the Council and Commission to identify and quantify zoning areas for increased affordable housing is paramount.

Mr. Goldman provided an overview of the Housing Element (HE) update relating to the fact that the California Housing and Community Development Department (HCD) must review the HE before adoption by the City Council. Further, the local Council must consider the comments of HCD. HCD must include in the comments provided: the appropriateness of the current element, whether it retains validity, is in compliance, and is "on track" as a basis for the new HE. He cautioned that the report completed by HCD carries considerable weight in the judicial arena, although anyone can challenge the HE. In many cases, it is possible to use the HCD report to the advantage of the complaint; conversely, the City may use the report for benefit.

Mr. Goldman said that there are two separate issues dealing with future planning for HEs: 1) The *regulations* imposed by the Association of Bay area Governments (ABAG) on local entities in the

form of projected housing needs, and 2) the *number* of housing units (to be incorporated into the plan for meeting 'identified' needs) assigned to each of the local entities - both Cities and Counties. He stated that ABAG has said that since the City is not a builder per se, the only obligation is to show the method, e.g., zoning, for getting the allocations in place.

Because of fiscal constraints, there was a four-year hiatus to the legislation for HE updates, there was discussion regarding whether the current figures listed in the draft report presented might have been increased. The consultant indicated this to be unlikely as the numbers of housing units to be increased as assigned to each entity are totaled at the State level with assignment to regions. Mr. Goldman noted that ABAG has the obligation of figuring out how to allocate the numbers. ABAG's regulations cover a 7½ year period: January 1, 1999 to June 30, 2006, during which time the numbers of housing units projected as increase for each of the local governments affected must be addressed.

The timing of completion of the HE update was discussed. The issue was raised that there appears to be a need for urgency in delivery of the completed document. Mr. Goldman and Mr. Bischoff stated the importance of delivering a reliable draft document, both expressing the opinion that this will be accomplished. Such action will show a good faith effort and that it will most likely suffice for continuation of the effort without penalty.

As to ways to display efforts for having a HE which is in compliance with the required projected numbers of housing need with the restraints of Measure P, discussion ensued regarding:

- ▶ Mobile Home Parks
- ▶ Second (2<sup>nd</sup>) Unit Housing
- ▶ Density concerns
- ▶ The (continued) viability of Measure P
- ▶ The need to address significant differences of housing availability not explained by income
- ▶ How the City leaders can demonstrate reasonable accommodation (not construction) of increased density
- ▶ The perceived "gap" of housing available for moderate income level families  
The fact that the area-wide economy has no bearing on the accommodations as listed by ABAG
- ▶ The observed need to have an oscillation to Measure P, so that the City leaders can retain control while meeting the demands of the State and Regional governments
- ▶ The burden caused by the past need to use future allocations under Measure P to ensure orderly completeness of development
- ▶ The fact that City financing had been part of an effort to meet the local needs which might be turned to detriment in future housing need(s) planning
- ▶ Local building code requirements versus the ambiguity of State regulations
- ▶ Effect on the downtown area of the City in light of the numbers projected by ABAG, those numbers being set and unchangeable
- ▶ The hurdles involved in updating Measure P to reflect the needs presented by the issues applied by the HE update

Task Force members requested the consultant revisit a variety of issues: specified tables in the draft report, age groupings, a proposal for more innovative alternatives for low income housing, and methods for encouraging residents to remain in the community following retirement. Mr. Goldman

indicated willingness to do so.

Council Member Carr, who chairs the HE Update Task Force, thanked all who attended and urged creative thinking to provide input into the HE update, stating that it was important to think of alternatives to Measure P given to the City by the voters. He also reminded all present of the need to give attention to following the schedule for completion.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

No items were noted.

**ADJOURNMENT**

Adding his thanks to participants, Mayor Kennedy adjourned the meeting at 9:00 p.m.

**MINUTES RECORDED AND PREPARED BY:**

/s/ Judi Johnson

**Judi Johnson, Minutes Clerk**